

AMENDED IN ASSEMBLY MARCH 28, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2745

Introduced by Assembly Member Jones

February 24, 2006

~~An act to add Part 5.3 (commencing with Section 17650) to Division 9 of the Welfare and Institutions Code, relating to homeless persons. An act to amend Section 1262.5 of the Health and Safety Code, relating to health facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2745, as amended, Jones. ~~Social services; counties. Hospitals; discharge plans; homeless persons.~~

~~Existing law establishes provisions for the provision of various social services and health care services to eligible needy individuals.~~

~~This bill would prohibit any county from causing the relocation of any individual from that county for the purpose of receiving public social services in the county.~~

~~This bill would require each county to survey each hospital in the county to determine the procedures followed by each hospital for discharging patients and the number of homeless patients that the hospital provides services for annually.~~

~~This bill would require each county to develop a plan to provide housing for homeless individuals being discharged from a hospital within the county.~~

~~Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of these provisions is a crime. Existing law requires each hospital to have in effect a written discharge planning policy and process that~~

requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified.

This bill would require that each hospital develop, within the discharge planning policy and process, a protocol specific to the needs of homeless individuals, as defined, containing specified information. The bill would prohibit the protocol from permitting the relocation of homeless individuals, for the purpose of receiving support services, from one county to another county without prior written notification. The bill would require that the county board of supervisors in the county where the hospital is located review and either approve, approve with modifications, or reject the protocol. The bill would require the hospital, if the protocol is rejected, to submit a revised protocol for approval by the board of supervisors. The bill would require that a hospital with an approved protocol resubmit its protocol to the board of supervisors for review and reapproval not less than once every 5 years.

By expanding the responsibilities of counties imposing duties upon county boards of supervisors and by creating a new crime, this bill would result in a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1262.5 of the Health and Safety Code is
2 amended to read:

3 1262.5. (a) Each hospital shall have a written discharge
4 planning policy and process.

5 (b) (1) The policy required by subdivision (a) shall require
6 that appropriate arrangements for posthospital care, including,
7 but not limited to, care at home, in a skilled nursing or
8 intermediate care facility, or from a hospice, are made prior to
9 discharge for those patients who are likely to suffer adverse
10 health consequences upon discharge if there is no adequate
11 discharge planning. If the hospital determines that the patient and
12 family members or interested persons need to be counseled to
13 prepare them for posthospital care, the hospital shall provide for
14 that counseling.

15 (2) (A) *Each hospital shall develop a protocol specific to the*
16 *needs of homeless individuals, which shall be included in the*
17 *policy required by subdivision (a).*

18 (B) *This protocol shall, include, but not be limited to, the*
19 *collection of patient information including the name, age,*
20 *ethnicity, number of previous hospital admissions in the past 12*
21 *months, and length of stay. The collection of that information*
22 *shall be in accordance with applicable laws and regulations*
23 *governing patient confidentiality.*

24 (C) *The protocol shall not permit the relocation of homeless*
25 *individuals, for the purpose of receiving supportive services,*
26 *from one county to another county, without written prior*
27 *notification to the recipient county or the recipient service*
28 *provider, or both.*

29 (D) *The county board of supervisors in the county where the*
30 *hospital is located shall review and either approve, approve with*
31 *modifications, or reject the protocol. If the protocol is rejected,*
32 *the hospital shall submit a revised protocol for approval by the*
33 *board of supervisors. To the extent that there are multiple*
34 *hospitals in a county, the hospitals may jointly develop a*
35 *protocol for the board of supervisor's approval.*

1 (E) A hospital with an approved protocol shall resubmit the
2 protocol to the board of supervisors for review and reapproval
3 not less than once every five years.

4 (F) For purposes of this subparagraph, "homeless individual"
5 means an individual who lacks a fixed and regular nighttime
6 residence, or has a primary nighttime residence that is a
7 supervised publicly or privately operated shelter designed to
8 provide temporary living accommodations, or who is residing in
9 a public or private place not designed to provide temporary
10 living accommodations or ordinarily used as a sleeping
11 accommodation for human beings.

12 (c) The process required by subdivision (a) shall require that
13 the patient be informed, orally or in writing, of the continuing
14 health care requirements following discharge from the hospital.
15 The right to information regarding continuing health care
16 requirements following discharge shall apply to the person who
17 has legal responsibility to make decisions regarding medical care
18 on behalf of the patient, if the patient is unable to make those
19 decisions for himself or herself. In addition, a patient may
20 request that friends or family members be given this information,
21 even if the patient is able to make his or her own decisions
22 regarding medical care.

23 (d) (1) A transfer summary shall accompany the patient upon
24 transfer to a skilled nursing or intermediate care facility or to the
25 distinct part-skilled nursing or intermediate care service unit of
26 the hospital. The transfer summary shall include essential
27 information relative to the patient's diagnosis, hospital course,
28 pain treatment and management, medications, treatments, dietary
29 requirement, rehabilitation potential, known allergies, and
30 treatment plan, and shall be signed by the physician.

31 (2) A copy of the transfer summary shall be given to the
32 patient and the patient's legal representative, if any, prior to
33 transfer to a skilled nursing or intermediate care facility.

34 (e) A hospital shall establish and implement a written policy to
35 ensure that each patient receives, at the time of discharge,
36 information regarding each medication dispensed, pursuant to
37 Section 4074 of the Business and Professions Code.

38 (f) A contract between a general acute care hospital and a
39 health care service plan that is issued, amended, renewed, or
40 delivered on or after January 1, 2002, may not contain a

1 provision that prohibits or restricts any health care facility's
2 compliance with the requirements of this section.

3 *SEC. 2. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution for*
5 *certain costs that may be incurred by a local agency or school*
6 *district because, in that regard, this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the*
8 *penalty for a crime or infraction, within the meaning of Section*
9 *17556 of the Government Code, or changes the definition of a*
10 *crime within the meaning of Section 6 of Article XIII B of the*
11 *California Constitution.*

12 *However, if the Commission on State Mandates determines that*
13 *this act contains other costs mandated by the state,*
14 *reimbursement to local agencies and school districts for those*
15 *costs shall be made pursuant to Part 7 (commencing with Section*
16 *17500) of Division 4 of Title 2 of the Government Code.*

17 ~~SECTION 1. Part 5.3 (commencing with Section 17650) is~~
18 ~~added to Division 9 of the Welfare and Institutions Code, to read:~~

19
20 ~~PART 5.3. HOMELESS PERSONS~~
21

22 ~~17650. No county shall cause the relocation from that county~~
23 ~~of any individual who is homeless for the purpose of receiving~~
24 ~~social services in another county.~~

25 ~~17651. Each county shall survey hospitals within the county~~
26 ~~to determine the procedures followed by each hospital for~~
27 ~~discharging patients and the number of homeless patients that the~~
28 ~~hospital provides services for annually.~~

29 ~~17652. Each county shall develop a plan to provide housing~~
30 ~~and services for homeless persons who are discharged from any~~
31 ~~hospital within the county.~~

32 ~~SEC. 2. If the Commission on State Mandates determines that~~
33 ~~this act contains costs mandated by the state, reimbursement to~~
34 ~~local agencies and school districts for those costs shall be made~~
35 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
36 ~~4 of Title 2 of the Government Code.~~